

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 23528 Permit 16519 License

**ORDER APPROVING A
NEW DEVELOPMENT SCHEDULE**

1. Permit 16519 was issued to John P. Lowney, Jr. and Karen Kirk Lowney on January 5, 1973, pursuant to Application 23528.
2. Permit 16519 was subsequently assigned to St. Supery Vineyards and Winery.
3. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
4. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 2005

(0000009)

Dated: **MARCH 10 1995**



61 Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 23528 PERMIT 16519 LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

WHEREAS:

1. Permit 16519 was issued to John P. Lowney, Jr. and Karen Kirk Lowney on January 5, 1973 pursuant to Application 23528.
2. Permit 16519 was subsequently assigned to St. Supery Vineyard and Winery.
3. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
4. The permittee has proceeded with diligence and good cause has been shown for the extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

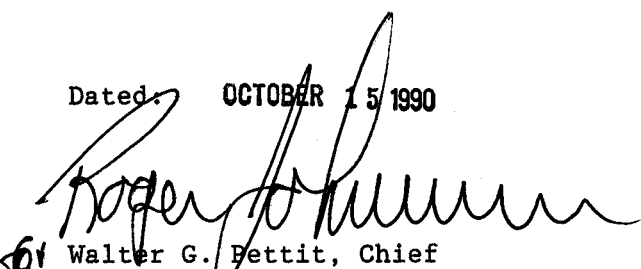
1. Condition 8 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE December 31, 1992 (0000008)

2. Condition 9 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE December 31, 1992 (0000009)

Dated: OCTOBER 15 1990


Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

(OVER)

APPLICATION 23528

PERMIT 16519

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 8 of the permit is amended to read as follows:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 1, 1988

2. Paragraph 9 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 1, 1989

3. Paragraph 11 of this permit is deleted. A new Paragraph 11 is added as follows:


Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of

this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Dated: JUNE 4 1986


Lloy Johnson, Interim Chief
Division of Water Rights

5/22/90 assigned to St. Supery Vineyard
and Winery

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 23528 PERMIT 16519 LICENSE _____

ORDER ALLOWING CHANGE IN PLACE OF USE, CORRECTING PERMITS PLACE OF USE
AND POINT OF DIVERSION DESCRIPTIONS, AND APPROVING
A NEW DEVELOPMENT SCHEDULE

WHEREAS:

1. A petition for change in place of use and an extension of time within which to develop the project and apply the water to the proposed use under Permit 16519 has been filed with the State Water Resources Control Board and said Board has determined that the permittee has proceeded with diligence and that good cause has been shown for such change and for extension of time.
2. The Board has determined that such change in place of use will not operate to the injury of any other user of water involved.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Permission is hereby granted to correct the description of the point of diversion to read as follows:

SOUTH 3200 FEET AND EAST 800 FEET FROM THE PROJECTED NW CORNER OF PROJECTED SECTION 15, T7N, R5W, MDB&M AS SHOWN ON THE MAP SUBMITTED TO THE STATE WATER RESOURCES CONTROL BOARD.

2. Permission is hereby granted to change the place of use to a place of use described as follows:

HEAT CONTROL, FROST PROTECTION AND IRRIGATION OF 55 ACRES WITHIN THE E $\frac{1}{2}$ OF PROJECTED SECTION 16 AND THE W $\frac{1}{4}$ OF PROJECTED SECTION 15, T7N, R5W, MDB&M AND ...

RECREATIONAL USE AT KAREN RESERVOIR IN NW $\frac{1}{4}$ OF SW $\frac{1}{4}$ OF PROJECTED SECTION 15, T7N, R5W, MDB&M AS SHOWN ON THE MAP FILED WITH THE STATE WATER RESOURCES CONTROL BOARD.

3. A new development schedule is approved as follows:

CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1982.
APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1983.

Dated: AUGUST 11 1978

R. J. Rosenberger
Clint Whitney, Executive Director
Water Rights and Administration

Memorandum

To : Files

Date : July 24, 1973

Subject: Permit Term 18 of
Attached List of
PermitsFrom : J. T. Armstrong
Division of Water Rights

Term 18 of the permits issued on the applications listed in the attached list states "No water shall be diverted after March 15 of each year under this permit until further order of the State Water Resources Control Board in accordance with Decision 1404."

Decision 1404 requires that a water distribution program be established before water can be diverted after March 15 of each year.

Since each permittee on the attached list signed up under the Trial Distribution Agreement, and in accordance with Board Resolution 72-84, this qualifies them to divert after March 15, so long as they continue to participate in the watermaster program.

Based on the above, Permit Term 18 does not apply to these permits.

JTArmstrong/saweber

J T Armstrong

ApplicationPermit

23511	16522
23528	16519
23754	16518
23774	16512
23775	16511
23777	16515
23843	16510
23856	16517
23866	165 ⁶ 2 4
23867	16563
23887	16559
23888	16560
23896	16521
23922	16516
23932	16506
23933	16507
23934	16508
23982	16567
23984	16550
23986	16575
23987	16549
24000	16561
24020	16573
24022	16554

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT No. 16519

Application 23528 of JOHN P. LOWNEY, JR. AND KAREN KIRK LOWNEY (over)
8440 ST. HELENA HIGHWAY, NAPA, CALIFORNIA 94558

filed on JUNE 8, 1970, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

NAPA RIVER

SAN PABLO BAY

3200 800

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
SOUTH 2,300 FEET AND EAST 500 FEET FROM NW CORNER OF SECTION 15, T7N, R5W, MDB&M	SW ¼ of NW ¼	15	7N	5W	MD
OFFSTREAM STORAGE IN KAREN RESERVOIR IN	SW ¼ of NW ¼	15	7N	5W	MD
	¼ of ¼				
	¼ of ¼				
	¼ of ¼				
	¼ of ¼				

County of NAPA

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
RECREATIONAL	KAREN RESERVOIR IN SW 1/4 OF NW 1/4	15	7N	5W	MD	
HEAT CONTROL, FROST	NW SW					
PROTECTION AND						
IRRIGATION	SW 1/4 X NW 1/4	15	7N	5W	MD	35

The place of use is shown on map filed with the State Water Resources Control Board.

P16519

- 12-13-74 Int of Karen Kirk Lowney transferred to John P. Lowney, Jr.
2-8-82 asgd to J. C. Boisset Vineyards, Inc.
2-3-87 asgd to Skalli Vineyards

5. THE WATER APPROPRIATED SHALL BE LIMITED TO THE QUANTITY WHICH CAN BE BENEFICIALLY USED, AND SHALL NOT EXCEED 10 ACRE-FEET PER ANNUM TO BE COLLECTED FROM NOVEMBER 1 OF EACH YEAR TO MARCH 15 OF THE SUCCEEDING YEAR. THE MAXIMUM RATE OF DIVERSION TO OFFSTREAM STORAGE SHALL NOT EXCEED 0.5 CUBIC FOOT PER SECOND.

THIS PERMIT DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE OF THE SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE LOSSES OR FOR ANY OTHER PURPOSE.

6. THE AMOUNT AUTHORIZED FOR APPROPRIATION MAY BE REDUCED IN THE LICENSE IF INVESTIGATION WARRANTS.

7. ACTUAL CONSTRUCTION WORK SHALL BEGIN ON OR BEFORE NINE MONTHS FROM DATE OF PERMIT AND SHALL THEREAFTER BE PROSECUTED WITH REASONABLE DILIGENCE, AND IF NOT SO COMMENCED AND PROSECUTED, THIS PERMIT MAY BE REVOKED.

8. SAID CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1973.

9. COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE DECEMBER 1, 1973.

10. PROGRESS REPORTS SHALL BE SUBMITTED PROMPTLY BY PERMITTEE WHEN REQUESTED BY THE STATE WATER RESOURCES CONTROL BOARD UNTIL LICENSE IS ISSUED.

11. ALL RIGHTS AND PRIVILEGES UNDER THIS PERMIT, INCLUDING METHOD OF DIVERSION, METHOD OF USE AND QUANTITY OF WATER DIVERTED, ARE SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD IN ACCORDANCE WITH LAW AND IN THE INTEREST OF THE PUBLIC WELFARE TO PREVENT WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE OR UNREASONABLE METHOD OF DIVERSION OF SAID WATER. PERMITTEE SHALL TAKE ALL REASONABLE STEPS NECESSARY TO MINIMIZE WASTE OF WATER, AND MAY BE REQUIRED TO IMPLEMENT SUCH PROGRAMS AS (1) REUSING OR RECLAIMING THE WATER ALLOCATED; (2) RESTRICTING DIVERSIONS SO AS TO ELIMINATE TAILWATER OR TO REDUCE RETURN FLOW; (3) SUPPRESSING EVAPORATION LOSSES FROM WATER SURFACES; (4) CONTROLLING PHREATOPHYTIC GROWTH; AND (5) INSTALLING, MAINTAINING, AND OPERATING EFFICIENT WATER MEASURING DEVICES TO ASSURE COMPLIANCE WITH THE QUANTITY LIMITATIONS OF THIS PERMIT AND TO DETERMINE ACCURATELY WATER USE AS AGAINST REASONABLE WATER REQUIREMENTS FOR THE AUTHORIZED PROJECT. AT ANY TIME AFTER NOTICE TO AFFECTED PARTIES AND OPPORTUNITY FOR HEARING, THE BOARD MAY IMPOSE SPECIFIC REQUIREMENTS OVER AND ABOVE THOSE CONTAINED IN THIS PERMIT, WITH A VIEW TO MEETING THE REASONABLE WATER REQUIREMENTS OF PERMITTEE WITHOUT UNREASONABLE DRAFT ON THE SOURCE.

12. PERMITTEE SHALL ALLOW REPRESENTATIVES OF THE STATE WATER RESOURCES CONTROL BOARD AND OTHER PARTIES AS MAY BE AUTHORIZED FROM TIME TO TIME BY SAID BOARD, REASONABLE ACCESS TO PROJECT WORKS TO DETERMINE COMPLIANCE WITH THE TERMS OF THIS PERMIT.

13. THE QUANTITY OF WATER DIVERTED UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD, IF, AFTER NOTICE TO THE PERMITTEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES.

~~XXXXXX The water appropriated shall be limited to the quantity which can be beneficially used, and shall not exceed~~

14. PERMITTEE SHALL DURING THE PERIOD (1) FROM NOVEMBER 1 THROUGH NOVEMBER 14 BYPASS A MINIMUM OF 1.0 CUBIC FOOT PER SECOND OR THE FLOW OF THE STREAM WHENEVER IT IS LESS THAN 1.0 CUBIC FOOT PER SECOND AT THE POINT OF DIVERSION, (2) FROM NOVEMBER 15 THROUGH FEBRUARY 29 BYPASS A MINIMUM OF 15 CUBIC FEET PER SECOND OR THE FLOW OF THE STREAM WHENEVER IT IS LESS THAN 15 CUBIC FEET PER SECOND AT THE POINT OF DIVERSION, AND (3) FROM MARCH 1 THROUGH MAY 31 BYPASS A MINIMUM OF 10 CUBIC FEET PER SECOND OR THE FLOW OF THE STREAM WHENEVER IT IS LESS THAN 10 CUBIC FEET PER SECOND AT THE POINT OF DIVERSION TO MAINTAIN FISH LIFE. THE PROVISIONS OF THIS PARAGRAPH ARE BASED UPON A BILATERAL AGREEMENT BETWEEN PERMITTEE AND THE DEPARTMENT OF FISH AND GAME AND SHALL NOT BE CONSTRUED AS A FINDING BY THE STATE WATER RESOURCES CONTROL BOARD THAT THE AMOUNT OF WATER NAMED HEREIN IS EITHER ADEQUATE OR REQUIRED FOR THE MAINTENANCE OF FISH. (0140060)

15. FOR THE PROTECTION OF FISH NO DIVERSION SHALL BE MADE WHICH DEPLETES THE FLOW OF THE STREAM TO LESS THAN THE AMOUNT STATED IN THE PRECEDING PARAGRAPH DURING THE CORRESPONDING SEASON. NO WATER SHALL BE DIVERTED UNTIL THE PERMITTEE HAS INSTALLED IN THE STREAM IMMEDIATELY BELOW HIS POINT OF DIVERSION A STAFF GAGE, OR OTHER DEVICE SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, SHOWING THE LEVELS WHICH CORRESPOND TO AFOREMENTIONED FLOWS. AS A CONDITION TO THE CONTINUING DIVERSION SAID MEASURING DEVICE SHALL BE PROPERLY MAINTAINED. (040 0500)

16. IN ACCORDANCE WITH SECTION 6100 OF THE FISH AND GAME CODE, NO WATER SHALL BE DIVERTED UNDER THIS PERMIT UNTIL THE DEPARTMENT OF FISH AND GAME HAS DETERMINED THAT MEASURES NECESSARY TO PROTECT FISHLIFE HAVE BEEN INCORPORATED INTO THE PLANS AND CONSTRUCTION OF SUCH DIVERSION. THE CONSTRUCTION, OPERATION, OR MAINTENANCE COSTS OF ANY FACILITY REQUIRED PURSUANT TO THIS PROVISION SHALL BE BORNE BY THE PERMITTEE. (00000 63)

17. THIS PERMIT IS SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD TO IMPOSE FURTHER APPROPRIATE CONDITIONS TO CONFORM THE PERMIT TO BOARD POLICY ON USE OF WATER FOR FROST PROTECTION. ACTION BY THE BOARD WILL BE TAKEN ONLY AFTER NOTICE TO INTERESTED PARTIES AND OPPORTUNITY FOR HEARING. (00000 20)

18. NO WATER SHALL BE DIVERTED AFTER MARCH 15 OF EACH YEAR UNDER THIS PERMIT UNTIL FURTHER ORDER OF THE STATE WATER RESOURCES CONTROL BOARD IN ACCORDANCE WITH DECISION 1404. (0000999)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: JAN 5 '1973

STATE WATER RESOURCES CONTROL BOARD

K. L. Woodward
Chief, Division of Water Rights